THIS ELASTIC LAW HAD BEST BE AMENDED.

Assemblyman Connolly Says That Even a Bunco Steerers' Association Could Be Formed Under the Building and Loan Act of 1851.

MORE ABOUT THE KEYSTONE.

Its Secretary Defends the Company, but Admits That Its Insurance Department Was Valueless—Big Fees Paid to Agents.

Assemblyman John Connolly came down from Albany yesterday. He had been reading the articles in the HERALD on shady co-operative benefit societies, and he enjoyed them greatly, he said.

"What the HERALD says about the act of 1851 relative to loan and building associations," said Mr. Connolly, "is absolutely correct. It is the most elastic law we have on the statute books. Under that law you can organize a bunco-steering association with the same facility that you can a genuine building association."

Assemblyman Connolly was the father of the bill, which last year became a law, shutting out foreign corporations of that character from doing business in this State. The bill was forced through under great difficulties, for the national building associations spared no expense to stop it.

TO AMEND THE LAW.

I asked the Assemblyman, who, by the way, is chairman of the House Insurance Committee, what he thought of the chances of getting the law amended, as there is a proposal to that effect, and he said the first round in the battle had been fought and won in the interest of working people and that was encouraging.

Mr. G. Dixon Avery, the secretary of the Keystone National Savings, Loan and Investment Association, of New York, was seen late last evening in regard to yesterday's discussion of this association in the HERALD.

Mr. Avery said that the insurance feature, which the HERALD showed to be illegal, had been recently discontinued. Nevertheless the HERALD is in possession of circulars in which a great deal is made of this feature.

Secretary Avery claimed that the banking department saw nothing wrong in the other strongly advertised peculiar feature—the purchasing bureau—provided the association did not make money out of it, and Mr. Avery said it did not earn a cent from that source.

I asked Mr. Avery what were the houses the Keystone favored, and he promised to make out a list and also to give other desirable information on Monday.

I drew Mr. Avery's attention to one rule of the association which seemed to work an injustice to those able to take only a few shares—and that was the system of voting. Some alleged co-operative societies are founded by smart men who see in them large salaries for officers in the long run.

KEEPING DIRECTORS IN POWER.

The charter or articles of incorporation of many such societies are so worded that the incorporators, who are, of course, the first Board of Directors or Trustees, cannot be ousted from the control of the association subsequently. In such cases the principle of co-operation is destroyed and the members are to a certain extent at the mercy of the directors.

In the Keystone rules it is laid down that a shareholder can vote according to the number of shares he holds, not to exceed one hundred, however. There are not many workingmen who can afford to pay the dues on 100 shares, but there are some designing men who can. It is quite possible, for example, for those desiring to retain control of such an organization to put their names down for all the shares the law will allow and then get the secretary to issue stock to dummies in order to have the controlling votes, proxies being allowed at an important election.

There is no charge or insinuation made that this is done in the Keystone, but it may be done under the rules. Mr. Avery defended the principle, but for himself would be willing to change the rule to one man one vote.

The HERALD has been asked to investigate some local building and loan associations in addition to the Keystone. At the present time this is not the HERALD's object, attention now being devoted to a species of money making for somebody of lottery or "bond" schemes, of which many readers are loudly complaining.

SUPERINTENDENT MAXWELL'S OPINION.

But let us advert to the International Fraternal Alliance, of which S. Glensor is manager in this city. Mr. Glensor being also secretary and treasurer of the "Maturity Loan and Saving Fund Association," of No. 822 Broadway, an association also laid bare in the HERALD over a week ago. Mr. Glensor, when I went to him, refused to give me information, pleasantly remarking that I seemed to know it all.

The HERALD applied to Superintendent Maxwell for an opinion and here is his reply to a HERALD correspondent. Mr. Maxwell confirms the HERALD's assertion that the "International Fraternal Alliance" cannot legally do business in this State:—

In answer to your personal inquiry asking if the Order of International Fraternal Alliance, of New York, is authorized to transact the business of assessment life insurance in this State:—

Said association is not organized by this department and has not received my final certificate of authority authorizing it to commence business as an assessment life insurance association in this State, and that I refused to issue such final certificate in a letter addressed to the provisional vice president of said association, dated October 20, 1889; that afterward said association applied to the Special Term of the Supreme Court for a writ of mandamus to compel the superintendent to issue such final certificate, which was denied, and that on an appeal to the General Term of the Supreme Court the order of the Special Term was affirmed in May, 1890.

Said association, therefore, not being organized through this department, under the insurance laws of this State, is not authorized and cannot legally transact the business of assessment life insurance in this State.

R. A. MAXWELL, Superintendent.

AGENTS' BIG FEES.

To revert to the agency business. Mr. Avery said there were no salaries paid in the Keystone except one, and that was to the secretary. I asked him who paid the local secretaries and he replied they were the agents of the association and that their remuneration came from the commissions secured in bringing on new members.

A correspondent belonging to the Keystone informed the HERALD that these agents received twenty-five per cent of the fees paid in by new members.

In other organizations the percentage is much larger, amounting to fifty or seventy-five per cent, as will be proven later on.

The question is do the agents divide with the promoters? If they do the State departments will not find that on the books.

In the legitimate assessment associations, like the Royal Arcanum, for instance, there are no paid agents, and these are among the most prosperous societies in the country and the best governed, the true principle of co-operation being observed in them.

ARE BOWLS AND SONG A NUISANCE?

THIS IS THE QUESTION THAT IS PUZZLING THE MIND OF THE SUPREME COURT.

A knotty question of law has fallen to the lot of Justice Patterson, of the Supreme Court, and on his decision and that of the courts above would seem to hang the fate of every concert hall, saloon and bowling alley in the city.

Some of the neighbors of Odd Fellows' Hall, at No. 69 Spring street, are trying to have Justice Patterson shut it up, on the ground that it is a public nuisance. It is complained that honest Germans break the laws by singing there—they sing well, but still they sing—up to a late hour of the night. Other Germans are guilty of the offence of playing at bowls in the alley in the basement. And there have been times when yet others danced all night till broad daylight, depriving the complainant "of the enjoyment of life and property and rendering his house uncomfortable and unfit to dwell in."

Peter Lyding, who lives in the adjoining house, is the petitioner, and Richard Lastraw is the defendant.

MURDERER STEPHANI SANE.

Lawyer Daniel Lord, Jr.; Dr. George B. Fowler, and Charles B. Fosdick, the commission appointed to inquire into the mental condition of Alphonse J. Stephani, who shot ex-Judge Clinton G. Reynolds in the latter's Wall street law office last May, from the effects of which he died in Chambers Street Hospital, returned two reports to Judge Martine yesterday, which he files with Clerk Sparks, of the Court of General Sessions.

Mr. Lord returned a minority report, in which he stated that Stephani, in his opinion, was insane.

The majority report of his confrères was directly the opposite of this. They gave it as their opinion that Stephani was mentally sound and liable for any and all of his actions.

Judge Martine affirmed this latter report, and Stephani must now be tried on a charge of murder. He is and has been an inmate of the Tombs since he killed Mr. Reynolds.

LOAN SHARK'S VICTIMS.

HOW PEOPLE WHO WERE SHORT OF CASH WERE FORCED TO PAY TRIBUTE.

Letters still come pouring into the HERALD from victims of Louis Silverman, the Brooklyn loan shark, and from other persons in sympathy with the sufferers.

"There are," said Colonel S. B. Paul yesterday, "hundreds of chattel mortgages upon household furniture recorded in the name of R. Silverman as mortgagee scattered all over Brooklyn, Westchester county and the upper portions of this city.

"This Silverman," said Colonel Paul, "has surrounded himself with a coterie of individuals who have no more heart than so many blocks of marble. Many a home has been ruined by their operations. But this is nothing to these people. They only fear publicity. The HERALD, I tell you, is making them squirm by holding them up to the public gaze."

Colonel Paul intimated that he and Mr. Bell were preparing a mine to spring under a number of persons directly or indirectly connected with Silverman's operations. "When we are ready," said he, "there will be a general surprise at the number of 'highly respectable' people implicated."

He also hinted that wholesale arrests would follow the explosion of this mine.

ANOTHER VICTIM.

Mr. Clark Bell, of No. 57 Broadway, received yesterday a letter from Mirabeau L. Towns, a lawyer, of No. 16 Court street, Brooklyn, offering to lend his assistance in Mr. Bell's proceedings against Silverman.

Mr. Towns spoke of a case where Silverman had loaned a sum of money to a Mrs. Eliza E. Peck, charging her his usual 175 per cent (169 per cent of which was, of course, for "services" rendered, and afterward making a clean sweep of all her household furniture and belongings.

Mrs. Peck had, it seems, a "record" which Silverman managed to get hold of and which he held over her head, threatening exposure if she prosecuted him. Mrs. Peck, however, did prosecute the charge, and the suit, like many others against him, is now pending. This, however, is poor satisfaction for Mrs. Peck, whose effects, to the value of $2,500, were seized and carried away to satisfy a $200 loan.

Silverman is also the "king pin" of the National Loan and Guarantee Company, of No. 280 Broadway, this city. He is, as well, a commissioner of deeds. "This," said Colonel Paul, "puts a great deal of power in his hands. Now here is a conveyance," said the Colonel, showing me the document, "where Silverman signs his name first as a witness to his wife's signature and then as a commissioner of deeds.

"This conveyance, a legal curiosity in itself, will cause some little explanation on the part of the 'Commissioner' when the time comes."

HOW "USURY" IS AVOIDED.

The Lincoln Loan and Guarantee Association, of No. 258 Broadway, is another enterprise that excites criticism. Mr. V. E. Reeve, of No. 10 Warren street, borrowed $80 from this concern for three months. He paid a bonus of $20 for the loan. The contract, however, was so prepared as to make it appear that he was paying but six per cent interest.

"The trouble about this furniture loan business," said Lawyer Francis M. Eppley yesterday, "is this—they are too cunning to lay themselves open to the charge of usury."

Then Mr. Eppley went on to explain that the borrower was loaded down with charges for "services," &c., until for $100 loaned he was called upon to pay $150. If usury was urged in defence of claims of payment, it was found that the man who negotiated the loan "acted as agent," and that the principal was in another State and could not be called up to answer here.

The SUNDAY HERALD will present, for the inspiration of American boys and other readers, Moncure D. Conway's second quaint paper on George Washington's copybook gospel of manners.

BLOWN NEARLY TO A HOUSE TOP.

AN ITALIAN LABORER KILLED WHILE FIXING A DYNAMITE CARTRIDGE.

Another fatal blasting accident was reported to the Coroner's office yesterday. The victim this time was an Italian named Juliano Gastioni, forty years old, who resided at No. 305 East 111th street, in the heart of "Little Italy." He leaves a widow and five children.

Gastioni was one of a gang of twenty workmen under the charge of Charles Dornbusch, contractor's foreman, who lives at No. 242 East Seventy-seventh street. They were employed in excavating for a new building on Ninth avenue, between Seventieth and Seventy-first streets.

A blasting took place yesterday morning in the rear of No. 86 West Seventieth street. One of the charges missed fire. Gastioni a few hours later started in to dissolve the unexploded dynamite cartridge by pouring hot water on it. The police say that he did so not only on his own responsibility but contrary to orders.

When he thought that he had sufficiently dissolved the dynamite he began to extract the cartridge with one of the instruments used for that purpose. As he was bending over the hole there was a terrific explosion.

His fellow workmen looking in the direction of the noise saw the unfortunate Italian blown some thirty feet into the air. His body struck against the rear window on the top floor of No. 86 West Seventy-first street and then fell into the yard.

Several of his fellow workmen ran to his assistance, but Gastioni was dead. His left hand had been completely severed from the arm and could not be found anywhere. The right side of his head was crushed in.

Fortunately no other member of the gang was injured in the slightest. The police did not make any arrests, as the explosion was plainly brought about by the poor fellow's own temerity.

The mangled body was placed in one of Dornbusch's carts and removed to the West 100th street police station. The explosion rocked many houses in the immediate neighborhood and drew a big crowd to the scene.

BIGAMY AT $500 A WIFE.

RECORDER SMYTH SEVERELY PUTS AN END TO AUGUST BOELLING'S BUSINESS.

[redacted]

consideration.

The Recorder's manner was as severe as his words, but Boelling's stolidity carried him through the ordeal without a tremor.

DENOUNCED BY HIS FATHER.

Agents Finn and Hunt, of the Children's Society, yesterday presented Louis Miller, a lad of thirteen years, in the Jefferson Market Police Court. The agents informed Justice Ford that he was a very bad boy. His father, John Miller, is janitor of the building No. 241 Fifth avenue and has charge of No. 8 West Twenty-eighth street.

The son has been in the habit of going in and out of the Twenty-eighth street house at will for some time past, and it is alleged that property valued at hundreds of dollars has been stolen from the place, which is occupied only as bachelors' quarters. Many diamonds have also been missed.

John Wallace, one of the tenants, caught the boy Miller in the act of stealing $160 from his room and handed him over to Detective Sergeants Titus and McCarthy. Mr. Wallace did not desire to make any complaint in court against young Miller.

The father of the boy said he thought the boy had become more than incorrigible. He thought it would do him good if he was sent to the Juvenile Asylum. The Court was of the same opinion and Louis was committed to that institution.

ARCHIE; OR, THE HOMESICK ROVER.

Matron Travers has in her care at Police Headquarters a particularly bright young rover. His name is Archie Hutchinson and he is fourteen years old. His mother is a widow living at No. 4,022 Broad street, Chester, Pa., so he said.

Archie inherits a roving disposition from his father, who was a sea captain, and he started out two weeks ago to see the world. He tramped to Philadelphia, where he stowed himself away on a steamer bound for Savannah. He left the ship there and made his way to New York on the City of Augusta, which reached here Thursday night.

He was homesick then, and yesterday went to headquarters, where he told his story.

A despatch was sent to the address in Chester, Pa., given by the boy, but the manager of the telegraph office at that place last night sent word that there was no such street number in the town. Archie was asleep, and Matron Travers said he could explain just as well this morning and would not wake him.

MAYOR CHAPIN'S ANSWER TO A TAXPAYER'S SUIT.

The Purchase of the Stock of the Long Island Water Supply Company Will Be Defended in Court.

CHEAP PROPERTY AT THE PRICE.

It Is a Good Bargain for the City and the Agreement Will Be Sustained by the City Officials and Contested on Its Merits.

An answer to the suit instituted by William Ziegler against the Mayor, Comptroller and City Auditor of Brooklyn to restrain them from carrying out the purchase of the property and franchise of the Long Island Water Supply Company was filed in court by Corporation Counsel Jenks yesterday. A number of allegations charged in the complaint against the accused city officials are denied, while the claim is set up that the proposed price was not an excessive one, and a speedy trial is demanded.

The defendants deny that the Comptroller and City Auditor elected in 1886 refused to purchase the property and the franchise of the company because they pledged themselves before election not to do so. They also deny the allegation relating to the laying of water mains in the Twenty-sixth ward until the expiration of the company's charter.

Regarding the contract entered into for the purchase of the plant the affidavit says that $750,000 was the price agreed upon, either in cash or at the election of the city that sum or any part of it should be paid in city bonds bearing interest at the rate of three per cent, to be subject, however, to two mortgages each, made to secure the sum of $250,000 and interest.

ON THEIR DEFENCE.

The affidavit continues thus:—

"And the said defendants further admit that they are about to complete the said purchase in all respects in accordance with the terms of said agreement or contract. And the said defendants deny that they have no power or authority so to do. And the said defendants admit that the par value of the stock of said company is $250,000.

"The defendants admit that in making said contract and in agreeing upon said consideration, or price, they reckoned and took into account as enhancing the value of the property and franchises of said company that chapter 335 of the laws of 1886 contained, among other provisions, the following:—

The said city shall not distribute or furnish water for consumption or use within said territory or lay any pipes or mains for the distribution or supply of water within said territory until the expiration of the charter of the said company or until the said city shall purchase or acquire the property.

After a denial that the receipts and dividends as told by the president of the company to the city officials were false, and that it was done to deceive, the affidavit says:—

"The defendants deny that the stock company and franchise of said company is not worth the sum of $750,000, and that it is worth not to exceed par, or $250,000, but on the contrary the said stock, property and franchise, and the rights and privileges incident to the purchase thereof and accruing from such purchase, are to the city of Brooklyn worth the sum of $1,250,000 and upward, and the said defendants deny, on information and belief, that the said company 'has not earned a dividend since out of its own plant and water or in any lawful way.'

MR. STAPLES' POSITION.

"The defendants admit that Mr. Staples entered into negotiations with them to sell the stock, property, rights, privileges and franchises of the company for the sum of $2,250,000. Staples, who is a stockholder, did not admit to them that he had purchased the stock at any time for $70 a share.

"The defendants admit that they entered into an agreement to purchase the stock, franchises, privileges and rights of the company, without knowledge that the stock had been purchased at any time for $70 a share, and they also deny that they entered into the contract without knowledge of the true cost and value of the plant and company. They deny that the contract was concluded and negotiated in secret and without giving the taxpayers opportunity to give information or to object, and they also deny that they have any knowledge or information sufficient to form a belief as to any of the allegations alleged."

MORE DENIALS.

That it would be a grievous waste of funds to purchase the property is also denied, and in conclusion the affidavit says:—

"These defendants aver that all acts done or proposed to be done by them in the premises were their official acts under chapter 335 of the Laws of 1886, and in pursuance of the powers thereby conferred upon them as Mayor and Comptroller of the said city respectively; and that the same were done or proposed to be done within the limits of their jurisdiction and in the exercise of the discretion incidental to the powers thus conferred upon them; and further that they acted with due deliberation, caution and prudence, and that all acts done or contemplated were neither illegal, unwise, improvident nor showed any error of fair judgment, but on the contrary were in the judgment of such defendant officials wise, provident and in the best judgment of the defendant officials conducive to the interests of the said city in all respects.

"And the said defendants deny that said acts done or contemplated to be done by them in their official capacity as aforesaid, or in any other capacity, constitute or will constitute any waste to the public funds, property or estate thereto, but on the contrary they aver that the said acts done and contemplated to be done will, in their judgment and belief, be advantageous and profitable to the city of Brooklyn and to the funds, property and estate thereof in all respects.

"Wherefore the defendants demand that the complaint be dismissed and that judgment be rendered r the defendants with costs."

THE FIGHT IN COURT.

Corporation Counsel Jenks also served notice at the action would be brought to trial and a mo on made to dismiss the complaint at a special rm of the Supreme Court on the first Monday in ebruary.

Ex-Corporation Counsel William C. De Witt will e associated with Lawyer Thomas E. Pearsall in e company's interests regarding the suit.

The annual report of the company, filed January 1890, and sworn to by President Trecartin, shows e capital stock paid in to be $250,000 and the ex stipg indebtedness $8,849 95.

REPUBLICAN HARMONY.

It was said in Kings county republican circles esterday that Mr. George B. Forrester, of the enth ward, was to be elected chairman of the xecutive Committee of the Republican General ommittee. Mr. W. W. Goodrich, the recently lected president of the General Committee, and many of his friends desire the election of Mr. Forrester, his late opponent for the General Committee chairmanship.

The Tenth ward delegates to the General Committee have elected Mr. Jacob Brenner executive member, but this was done before Mr. Forrester's name was mentioned in connection with the chairmanship of the Executive Committee, and Mr. Brenner is said to be willing to resign in favor of Mr. Forrester. It is admitted that Mr. Forrester's election would be a move in the direction of harmony.

WILL MARRY HIS FIRST LOVE.

Meyer Kaufman, a salesman, applied to Justice Goetting in the Lee Avenue Police Court, Brooklyn, yesterday for a divorce from his wife, Hettie, and a warrant for the arrest of Bernard Titenbach, with whom, he alleged, she had eloped. He said Titenbach had threatened to kill him.

Kaufman lived in this city, and said his wife eloped three months ago, while they were living at No. 44 Stanton street. He searched for her until yesterday morning, when he located her at No. 363 Berry street, Brooklyn. She ordered him out of the house, and told him Titenbach would kill him on sight if he saw him in the house.

"She was alone and friendless," said Kaufman, "when I met her in Philadelphia in December, 1887. I was then engaged to marry a rich pawnbroker's daughter, but I had so much pity for Hettie that I married her instead. We lived happily together until four months ago, when she met Titenbach, who is a bookbinder, and with whom she afterward eloped. All I want now is a divorce and a warrant for Titenbach, so he won't hurt me. Then I am going back to Philadelphia and will marry the pawnbroker's daughter, who is still single and willing to be my wife."

Kaufman was advised to consult a lawyer.

A MINISTER'S WILL DISPUTED.

Frank Reynolds was appointed referee by Surrogate Abbott, of Kings county, yesterday, in the matter of the will of the Rev. G. Walker, pastor of the Seaman's Chapel, Peck street, this city, who died at the Methodist Episcopal Hospital, Brooklyn, last spring.

He left an estate valued at $100,000, of which $75,000 was bequeathed by will to his children and grandchildren. The money was deposited in savings banks in his own name as trustee for them.

The remaining $25,000 of the estate was bequeathed to the Protestant Episcopal Missionary Society for Seamen and the Protestant Episcopal Home for Aged Men and Women of New York.

When the will was offered for probate before Surrogate Abbott Dana & Clarkson, who were retained by one of the children and three of the grandchildren, filed allegations that the money deposited by the Rev. Mr. Walker as trustee belonged to the persons for whose benefit it was deposited, and that he could not bequeath for charitable purposes more than one-half of the residue. Counsel asked that the money be paid to their clients. Mr. Frank Reynolds was appointed to take proof of the facts.

JACK THE HAIR CLIPPER AGAIN.

THE BROOKLYN POLICE WARNED TO KEEP A SHARP LOOKOUT FOR THE CRANK.

The Brooklyn crank who creeps up behind young girls and cuts off their hair as the whim prompts him was heard from again yesterday.

Mamie McMurray, seventeen years old, of No. 224 Leonard street, was the victim. She was looking at the jewelry displayed in a Grand street store window, when she felt a tug at her long double braids.

She turned around, and seeing several boys in the immediate vicinity, paid no particular attention to the occurrence.

On reaching her home she found that about six inches of her hair had been cut from one of her braids. Her sister had a similar experience nine years ago.

This makes the fourth case of the kind which has happened during the past month.

Two girls were robbed of some of their hair near the Bridge two weeks ago, and on Tuesday last fourteen year-old Lulu Hewitt's locks were trimmed at the corner of Nevins and Schermerhorn streets, while she was on her way to school.

Acting Superintendent MacKellar has requested the captains of the various police precincts to see that a sharp lookout is kept for the supposed imbecile who is causing the trouble.

A BOY ACQUITTED OF MURDER.

John Romanelli, an Italian boy about seventeen years of age, who was tried in the Court of Sessions, Brooklyn, yesterday, for the murder of Michael Strabello, was acquitted by the jury last evening on the ground that the fatal shot was fired in self-defence. Strabello was shot in a quarrel at No. 66 Front street, Brooklyn, February 12, 1890. Strabello and Romanelli were roommates.

John Finconelli, the principal witness for the defence, testified that the two young men had been playing cards for six cents worth of figs. Romanelli bought the figs and there was a quarrel over the division and Romanelli was knocked down.

Then Romanelli went away and returned in the evening for his clothes, and Strabello followed him down stairs. He returned a few minutes later and said he had been shot.

When the jury announced the verdict of acquittal Romanelli sprang forward and shook hands with each man in the box.

COMMANDER M'GEEHIN'S SWORD.

The public installation of the officers elected for the year 1891 by Devin Post, No. 148, G. A. R., took place last evening at Saengerbund Hall, Brooklyn. Past Commander James L. Follett, of Horace Greeley Post, was the installing officer.

The officers installed were Richard McGeehin, commander; E. H. Thomas, senior vice commander; J. P. Farley, junior vice commander; Gilbert E. Stevenson, quartermaster; James Cunningham, surgeon; Charles A. Scott, chaplain; James F. Keenan, officer of the day, and John Whistance, officer of the guard.

On behalf of his comrades City Clerk M. J. Cumming, who is a past commander, presented a sword and belt to Commander McGeehin. Then Bridge Trustee Reuben Riley, who was also a commander of Devin Post, surprised Comrade McGeehin by presenting him with a fine crayon drawing of the newly installed post commandant.

HOW BROOKLYN WAS MISCOUNTED.

According to an official circular received at the Health Department yesterday the population of Brooklyn, as figured out from the returns of the Federal census takers, is 806,343. The police recount showed the actual number of inhabitants to be 853,945.

ALL AROUND BROOKLYN.

With a view to amending his bill for the issue of $500,000 for the Twenty-sixth ward sewerage system, Assemblyman Earl consulted with Mayor Chapin at the City Hall yesterday. Some corrections will be made in the phraseology of the bill.

Justice Bartlett, Supreme Court, Kings county, yesterday discharged Private Frank Paul, of the Thirty-second regiment, upon the habeas corpus proceeding brought by District Attorney Ridgway. Paul had been committed by his commanding officer for non-payment of dues and neglect of duty.

The following committees on the high schools were announced yesterday by the chairman of the Board of Education:—For Girls' School—Messrs. Gates, Harkness, Clyne, Rowe, Halsey, Northup and Thompson. For Boys' School—Messrs. Griffin, Cottier, Cuyler, Crevey, Lynch, Weber and King.

The net income of the Brooklyn City Railroad Company for the six months ending December 31, 1890, according to the official report of that corporation, forwarded yesterday to the State Board of Railroad Commissioners, was $284,353 05. The assets are $9,405,825; liabilities, $8,869,050. The surplus amounts to $536,774.

Foreman Hans Arnold was removed from his position at the Federal Building yesterday, and E. M. Howe, of No. 496 Clermont avenue, was appointed in his place. The position is worth $5 a day. Arnold's removal is said to have been brought about through the influence of Congressman William C. Wallace. The appointment of ex-Water Purveyor Peter Milne in place of ex-Foreman M. A. Malone is said to be indirectly due to the republican factional fight.

The SUNDAY HERALD will give full and practical advice by a writer of experience and sense on sundry points of special interest to women.

SAVED BY ONE PIERCING SCREAM.

MISS BELL, OF PORT CHESTER, ATTACKED BY A HIGHWAYMAN—HER ASSAILANT CAUGHT.

Miss Mary L. Bell, a handsome girl, nineteen years old, who is employed as a teacher in the high school at Port Chester, was waylaid and attacked with a view to robbery on one of the main streets of that town on Wednesday night. Miss Bell was on her way home from the village about seven o'clock and had just reached the school house on Irving avenue, when she was suddenly seized from behind by muscular arms, a big black hand was held over her mouth. A gruff voice demanded her purse.

Being a robust young woman Miss Bell, instead of fainting, struggled to free herself and succeeded in giving one far-reaching scream for help. Her assailant began choking her, but he just then caught sight of little Eddie Merritt coming across lots near the school house, and releasing his victim started to run in an opposite direction.

Miss Bell hurried to the blacksmith shop of Jacob Laughlin nearby and informed him of the affair. She was so very weak from the shock she had received that he saw her safely home before taking steps to catch her assailant. He notified Constable Baker and Policeman Tyler. The latter remembered three men who during the afternoon had been seen lounging about the station. They were overtaken on the railroad not far from the village.

They gave their names as Charles Parker, Robert E. Smith and James Rich. Parker and Smith are negroes.

Before Justice S. M. Marshall on Thursday Miss Bell and the boy Merritt both identified Smith as the assailant of the young lady. He was held in $500 bail to appear before the Grand Jury on the charge of attempted highway robbery. Parker and Rich were sentenced to sixty days each as vagrants.

In the course of the examination it was discovered that Smith and Rich were released from the Philadelphia Penitentiary only a month ago. They had all three evidently tramped from New York. Parker came from Kansas. Smith denies that he had anything to do with the assault.

DYKES LIVES TO FIGHT AGAIN.

HE CALLED COMMISSIONER MERRILL A HARD NAME, BUT NO BLOOD WAS SHED.

John B. Merrill, of Woodhaven, L. I., a lawyer, School Commissioner for the Second district of Queens county and a Past Grand Master of Odd Fellows, and William Dykes, a politician, real estate agent and Past Grand Master of the same secret order, engaged in fisticuffs on Fulton street, Jamaica, yesterday morning.

Dykes accused Merrill of writing an article about a speech that he (Dykes) had made at an installation of officers in the lodge. The article appeared in the Jamaica *Farmer*, a weekly newspaper.

Merrill denied writing the article. The lie was passed and, it is said, Merrill struck the first blow.

Assessor George Carpenter attempted to interfere, but Dykes withdrew from the fight and retired to the County Clerk's office. He threatens to have Merrill arrested.

Merrill says that when Dykes first spoke he thought reference was made to an article published about the Jamaica school teachers refusing to attend a teachers' institute to be held at Hempstead under the direction of Merrill.

RAIDED A GANG OF TRAMPS.

Detective Van Houten and a squad of men in the employ of the Pennsylvania Railroad Company raided a gang of tramps late Thursday night near Waverly, N. J., where they had been stealing ties and other railroad property for months. Eleven out of a dozen were captured, and yesterday they were all sent to the Caldwell Penitentiary for ninety days.

REBELLIOUS SCHOOL GIRLS.

The girls in the Newark Normal School are in rebellion because Principal Blake ordered that at the end of the present term the senior class would be examined in history and arithmetic.

This the girls considered unjust, as neither is a regular Normal School study and they have not had a lesson for two years in either.

A petition was presented to Mr. Blake asking that the order be rescinded, but he could not do so without submitting the matter to higher authority.

FIVE MILLION DOLLARS' WORTH OF LAND AT STAKE

Beginning of a Test Case Against the New York Central and Hudson River Railroad Company.

MILES OF WATER FRONT INVOLVED

The Company Claims to Own a Strip of Property Extending from Spuyten Duyvil to Albany, but the Claim Is Contested.

In the Supreme Court at White Plains yesterday a suit was brought against the New York Central and Hudson River Railroad Company. It is a test case, involving $5,000,000 worth of property.

The property is the river front along the Hudson River and extending from Spuyten Duyvil to Albany. It is the strip of land from the water's edge to and including the tracks of the railroad company, and also certain portions of land at stations along the road which are now being used by the company as freight yards, switch yards, storage yards and dockage. The amount of ground included in this strip comprises about nineteen thousand acres.

If the railroad company wins the suit, certain dock property, river fronts of wealthy men who have their country seats along the Hudson, with large manufacturing interests and city wharfage at Yonkers, will be forfeited to the company.

WEALTHY MEN INTERESTED.

Although taking no part in the suit, Jay Gould is interested in its outcome; so, also, is the Astor estate, the John B. Trevor and the Colgate estates, the Yonkers Gaslight Company, the Habbershaw Gutta Percha Company, at Glenwood; Yonkers Corinthian Yacht Club, Yonkers Palisade Boat Club, the Ferron property and other estates and business property along the river front to Albany.

Alexander and D. Saunders, of Yonkers, through their attorneys, R. E. and A. J. Prime, and Burns, of Yonkers, have brought the suit, and the papers were served yesterday. The action has been instituted in the hope of ejecting the company from the property now occupied by their freight sheds, freight depot, side track and railroad tracks in Yonkers, which is adjacent to the property occupied by Saunders as a gas fixture manufactory. The property involved in this individual suit amounts to about $25,000.

WHAT THE COMPANY CLAIMS.

The company claims to own this entire strip of land from Spuyten Duyvil to Albany. The company claims to have acquired it by a grant from the State of New York in 1873. In that year they claim to have applied to the Land Commissioner at Albany for the land, and also claim that that Land Commissioner granted the property to the company on payment of $500 into the State treasury and also in consideration of the payment of fees for surveying.

It is claimed by the property owners that when the company made the application for the grant they did so without notifying the property owners and that the latter were in ignorance of the grant. The company had a map of this water front made. It was 250 feet long. Copies of it were filed with the County Clerk of each county through which this strip of land runs.

During the years which the railroad company has held this grant, property owners along the water front have spent large sums of money in improving their water fronts, believing that they owned them. Among the improvements made were the building of a large dock, filled in with stone, by the Yonkers Gas Light Company, the construction of the city wharf, also filled in with stone, by the city of Yonkers, and the construction and improvement of the site of the Corinthian Yacht Club at Yonkers.

A STARTLING DISCOVERY.

Lawyer Prime, while searching in the County Clerk's office at White Plains, discovered the big map. He carefully studied the whole of it.

About that time certain property owners were negotiating the sale of their property along the water front. They discovered, on account of this grant, they could not give a clear title to their property. Among these were James Stewart, B. W. Stilwell, J. W. Alexander, Mrs. Ann Fuller, Mrs. Thomas Fearon and others, all of Yonkers.

They became alarmed and held a meeting to devise means to regain possession of the property.

Mr. Saunders was at the meeting. He said he intended to sue the railroad company. The other property owners decided to join Mr. Saunders.

William Allen Butler, Jr., representing the John B. Trevor estate, yesterday told Lawyer Prime that he would join him in his suit on behalf of the Trevor estate. The Trevor is one of the finest estates along the river.

During the recent negotiations for a sale of some of this property the Guarantee Title Company, which was conducting the searches, refused to give a clear title to the property on account of this grant to the railroad company.

The company has expended vast sums of money in making improvements and has a great deal at stake. No date is set for the trial.

MR. COON'S MONEY IN PERIL.

SO HE WISHES A. J. WRIGHT & CO. ENJOINED FROM DISPOSING OF ANY ASSETS.

Charles E. Coon, who was a general partner in the firm of A. E. Bateman & Co., which assigned recently, has a suit pending in the Supreme Court of this city for a dissolution of the Buffalo firm of A. J. Wright & Co., in which he was special partner. In that suit there was argued before Judge Patterson, of the Supreme Court, yesterday, a motion to continue an injunction to restrain the other members of the firm, Albert J. Wright and James L. Gladwin, from disposing of any of the assets. Coon claims that the firm is insolvent.

Thomas G. Shearman appeared for Coon and Augustus C. Brown for the defendants. The papers in the case state that Mr. Coon put $20,000 in the Buffalo house, and it was urged that his capital would not be protected unless the injunction was allowed to stand.

It is stated that the failure of Bateman & Co. was precipitated by Gladwin's alleged surreptitious removal of 500 shares of Lake Shore stock from the office of the firm.

Mr. Wright and Mr. Gladwin both make affidavits in support of their case. Mr. Wright says that he was informed on December 25 that Walter Watson, Jr., one of the firm of Bateman & Co., was about to leave that firm. He was advised that the effect of this withdrawal would be to weaken the firm, and he came on here to see Coon, from whom he learned the firm was in trouble.

Coon told him to get out before the crash came, as he did not wish to see him and Gladwin ruined without getting any warning. Coon's advice to him was to take Wright & Co.'s account out of Bateman & Co.'s books, as Bateman could let them out without loss.

Acting upon this advice he got Oppenheim & Co. to agree to take any of Wright & Co.'s stock held by Bateman & Co. Then he demanded the stock involved in this suit from Bateman & Co., telling them he was willing to take it up. Bateman was not in and the demand was refused. He made several unsuccessful attempts to see Bateman, who, he claims, purposely avoided him.

Then he saw Coon and Gladwin, and Gladwin requested Bateman & Co. to take 500 Lake Shore for Wright & Co.'s account, deliver them to him and he would settle with them. The cashier did this. Bateman & Co. were indebted to Wright & Co. $47,000, and the stock being worth $54,000 Gladwin gave the cashier a check for $7,000, the difference between the amount due Wright & Co. and the value of the stock.

When this was done Coon wanted the firm to dissolve, but Wright was not willing to do that until everything was in proper shape and pending litigations terminated.

Mr. Gladwin corroborated Mr. Wright.

Decision was reserved.

LEGAL AID FOR THE POOR.

The fifteenth annual report of the officers of the German Aid Society shows an increase of membership during the year from 81 to 170 and an increase of surplus from $50 to $1,590.

The society is now self-supporting. It was established in 1876 for the purpose of affording legal aid and protection to poor persons of German birth and has since been extended to persons of any nationality.

During the year 1890 aid was extended to 4,078 applicants, representing twenty-one nationalities, 2,369 of whom were citizens of the United States. Nearly half of the suits were brought for labor services. Ten per cent of collections on sums exceeding $10 is retained by the society. From this and other sources the attorney collected $1,800.

In his report President Briesen says:—"We do not seek to compete with the business affairs of lawyers; on the contrary, we relieve them of their charity cases, to which they are unable to devote their time. Persons with small claims who are unable to engage lawyers will find in our bureau, at No. 35 Nassau street, an opportunity for obtaining justice."

The membership fees are $20 per annum, but it is hoped to reduce it to $10 when there are 300 members.

Through the interference of the society the sum of $211,407 has been collected and paid over to clients, and 40,735 persons have received legal assistance during the society's existence.

A MILLION DOLLARS INVOLVED.

THE CITY SUING THE "L" ROAD FOR RENTAL MONEY CLAIMED TO BE DUE.

A suit which may put several hundred thousand dollars into the city treasury or take from it upward of a million dollars was tried yesterday in the Special Term of the Supreme Court. It is brought by the Mayor against the Manhattan Elevated Railway Company to recover five per cent upon the entire passenger traffic of the New York Elevated Railroad Company—the Ninth and Third avenue lines—for some years past, and the action is one in the nature of an accounting.

Since October, 1879, the New York company, through the Manhattan, has paid to the city $268,493 75 upon the basis of percentage, but it was received by the city only on account, as the contention is that more should have been paid. Assistant Corporation Counsel Dean and John H. Strahan represented the city, and ex-Judge Dillon and Julien T. Davies appeared for the elevated roads.

The New York company was incorporated in 1871 and succeeded to the rights, privileges and franchises of the Yonkers and West Side Elevated Railroad Company, which was constructed under the laws of 1866, 1867 and 1868. The New York company operated the road and built and operated the Third avenue line until 1879, when by the merger agreement its roads and the road of the Metropolitan company were leased to the Manhattan company, which has since been running them.

BASIS OF THE CLAIM.

The agreement made by the Manhattan company, as a condition for the lease, was the payment by it to the New York and Metropolitan companies of ten per cent on their capital stock, but this was later reduced to six per cent. The capital stock of the three companies was $26,000,000 when the merger was made.

The city insists that it is entitled to receive five per cent of the net income from the entire passenger traffic of the New York lines, while the elevated roads take an entirely different view of the situation. Their theory of the controversy is that if bound to pay at all they are only obliged to pay five per cent upon the rental it received from the Manhattan company, which is the basis of its earnings.

It is contended, however, that the act of 1868 is unconstitutional; that the road is not liable at all, but if it is that it has overpaid the city upward of $180,000.

Another claim is that the laws provided that these payments should be made as compensation for the use and occupancy of the streets. It was then supposed that the city owned the streets and could give the right to use and occupy them to the road through legislation, but since then the Court of Appeals has decided that the abutting property owners are entitled to damages for the easements in the streets and that the city had no right to make such a contract.

MONEY ALREADY PAID OUT.

Since October, 1879, the New York company has paid to the owners of property along Greenwich street $847,654, and to others along Ninth avenue $23,859, making a total of $871,513. This does not include unpaid judgments. A counter claim for this sum is interposed because of the breach of covenant on the part of the city.

Mr. Davies stated that the elevated railroad people had simply paid the money over by mutual mistake for peace's sake, in order to avoid litigation. The payments were originally about $84,000 per year, but they were reduced to about $20,000 when the Manhattan company reduced its compensation to the New York company from ten to six per cent on its capital stock. The judgments paid were in order to prevent the seizure of the "L" road property.

Auditor Gaynor was the only witness examined, but his testimony was unimportant.

Mr. Strahan conceded that if the Court determined that the road was only obliged to pay five per cent upon its net income, that then the city had no case and probably had been overpaid. In case the Court decides that either the city or the "L" road is entitled to a money judgment, then a referee will have to be ordered to ascertain the amount. The lawyers will discuss the legal points involved on some future day.

Wall street men should not fail to read the EVENING TELEGRAM'S special cables on the London stock market.

FIDELITY AND CASUALTY AFFAIRS.

WHAT THE OFFICERS SAY AS TO THAT IMPAIRMENT OF CAPITAL.

The offices of the Fidelity and Casualty Company wore their usual appearance of activity yesterday, and no evidence could be seen of any anxiety caused by the official report of the Insurance Department that the capital of the company had become impaired.

George F. Seward, the vice president, said, when I asked him for an explanation, that the difference between the company's accounts and those of the examiners were mainly technical. The examiners had calculated the reserve fund on a monthly basis, while the company had taken the annual or fifty per cent basis.

"The rule of the law in nearly every State in the Union is the latter," said Mr. Seward. "The New York law, both for fire and casualty companies, as it appears, contains ample justification for the application of the monthly rule, although all companies follow the fifty per cent rule, and the insurance departments of this and all other States accept their annual statements so made up. The difference against the company so arising amounts to upward of $50,000.

"There is a further difference arising from assets which are commercially good, but not admitted by the New York department, as not complying strictly with the requirements of law. These items amount to about $30,000. There are still further differences consequent upon a larger estimate by the examiner of the amount of losses outstanding, the examiner, as is proper, having made his estimates large enough to cover all eventualities. He followed his best judgment in doing so."

Mr. Seward claimed, however, that the company itself can better judge of its liability for outstanding losses, since it is continually dealing with losses, and since its business, both in its fidelity and casualty branches, is peculiar. There is a still further difference arising somehow out of the fact that the accountings of the examiner gave no credit for the company's December business, although a good deal of the December outgoes were incurred.

Mr. Seward said that the company's own statement is being prepared to December 31 and will show that on the 50 per cent basis there is no impairment, but a surplus of about $70,000.

"Our reserve on the 50 per cent basis as of December 31 will be," he said, "about $800,000. We fully believe that 50 per cent of this will cover all losses and expenses attending the business until the risks are run off. Our margin in it is, therefore, about $440,000. This, with our estimated surplus of $70,000, is $510,000, and, with our capital of $250,000, we have a fund of $760,000 over and above our liabilities.

A GOOD REASON.

Never print a paid advertisement as news matter. Let every advertisement appear as an advertisement—no sailing under false colors.—*Charles A. Dana's Address to the Wisconsin Editorial Association, Milwaukee, July 24, 1888.*

"Of course I am for Charles A. Dana for the United States Senate," said Arthur Frost, "for the simple and sufficient reason that he is big enough for the place and none of the other candidates are. Why should a second rate or a third rate man be sent there when a first rate man is available? This is no unfair comparison. Intellectually Charles A. Dana outweighs all the rest of the candidates put together. It may be an old fashioned notion, but I acknowledge that I regard brains as the first qualification needed in a United States Senator. And when, as in the case of Charles A. Dana, we find brains combined with integrity, courage, aggressiveness, independence, manliness, why, we ought to jump at the chance to get such a man to represent us in the United States Senate."

NO MERCY FOR DIVORCE SHARKS.

The bogus divorce lawyers, William H. Buttner and William D. Hughes, were to have been sentenced in the Court of General Sessions yesterday, but on District Attorney Nicoll's motion the cases were laid over until next Wednesday.

The District Attorney said that five years would be the limit under Buttner's plea of guilty of grand larceny in the second degree and under Hughes' plea of forgery in the second degree. Commutations deducted, the sentences would be practically to three and a half years in prison.

"This," said Mr. Nicoll, "is too little for lawyers that have degraded their calling and have made bigamists of innocent people." Mr. Nicoll wanted time to prepare to push the other indictments.

IN WANT AND SUFFERING.

John Gordon, wife and three children, living on the top floor of No. 27 Cherry street, are suffering and on the verge of starvation. Gordon, who is only twenty-eight years old, until about a year ago earned good wages as a broom maker and supported his family well. Then he was stricken with consumption. For the last four weeks he has been confined to his bed a helpless invalid. His wife formerly earned $4 50 a week, but was forced to stop work and devote all her time to the care of her husband and children.

Contributions for this afflicted family will be received by the HERALD or the Earl Guild, No. 172 Centre street.